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REZENSION

Attila Sipos:
Milde's International Air Law and ICAO, Fourth Edition
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by Dr. Andrea Trimarchi

There is very little to say about the prominence and depth of *Michael Milde's* opus, which is largely considered as one of the fundamental books in the field of international aviation law. Having reached its third edition in 2016 and having also been translated in some other languages (Russian, Chinese, etc.), "International Air Law and ICAO", edited by Eleven International Publishing, is probably among the most used and acclaimed sources of law literature concerning aviation.

The irrefutable merit of Dr. *Attila Sipos* is twofold. Not only does he make the book relive and with it the knowledge and enormous experience of Prof. *Milde*, but also, and most importantly, the *author* brings new energy by updating the text, discussing the new emerging challenges and regulatory initiatives, and looking forward to what aviation regulation might look like in the near future. It is remarkable that the *author* embarked in this difficult journey, without overturning the original structure of the textbook. The book, which strongly depends on the significant practical experience that Prof. *Milde* gained at the International Civil Aviation Organization (ICAO) during his career, is conceived as a generic aviation law text, addressing matters of public international air law, as well as matters concerning international aviation private law instruments. Furthermore, the original focus on the structure, function and evolution of ICAO also remains in this fourth edition as this has always represented a great added value of Prof. *Milde's* manual.

"International Air Law and ICAO" is divided into 9 chapters, each addressing some relevant areas of international aviation law. The text is then supplemented by several appendixes providing the original text of ICAO documents and rules (e.g. Chicago Convention, ICAO rules of procedure, ICAO settlement of differences), as well as interesting material such as the list of aircraft nationality marks and emblems. The final part provides a rather vast bibliography, which helps the reader getting an idea on how and where to deepen further her/his knowledge on certain specific areas.

Chapters 1-3 pave the way for a solid understanding of the basics of international air law. The first chapter, even though being quite short, is crucial in setting up the scene. As it identifies the main concepts of air law, the chapter notably defines the terms 'air law' and 'aeronautical law', and discusses terminological nuances in light of applicable public international law. Chapter 2 provides a thorough excursus of the evolution of international air law. The history of aviation is so crucial, in fact, that, as *Milde* originally put it, "the context of its origin and the causes of its evolution help to illustrate the social and cultural framework and could assist in better understanding and interpretation of the rules [...]". This section explores the origins of international aviation regulation and is left almost untouched by Dr. *Sipos* as it eloquently explores the era pre-Chicago Convention. Chapter 3 is dedicated to an analysis of the cornerstone of international air law that is the Chicago Convention. In this chapter, the Convention is discussed from a formal perspective, as to its structure, content, procedural features, such as for instance, ratification, accession and expulsion by/of States.

Chapters 4-6 importantly address the legal regime applicable to aviation activities. The original structure stays the same as Prof. *Milde* acutely divides such international regime into three: a sub-regime applicable to airspace; a sub-regime applicable to aircraft; and a sub-regime applicable to air transport. While this may be an interesting way of reading the Chicago Convention, the three parts are commonly considered as one, constituting the core of public international air law. Chapter 4 first analyses the geographical boundaries of aviation law, discussing the concepts of airspace in relation to some critical territories (e.g. polar regions, high seas, exclusive economic zones) and then brilliantly explores the rights (e.g. sovereignty, articles 5-9 of Chicago Convention, and duties of States in their airspace (e.g. *pacta sunt servanda*, article 3 and 15 of Chicago Convention). Interestingly, *Milde* is among the few scholars who explores the concept of 'use of force' under the lens of public international air law and Dr. *Sipos* stresses that out in a nice fashion. Chapter 5 focuses on the aircraft and its operation. In this respect, the analysis focuses on the difference between civil and State aircraft, as well as the concept of aircraft nationality. The analysis is rather detailed as there is an attentive and meaningful exegesis of the articles of the Chicago Convention. Chapter 6, instead, goes into the commercial core of aviation relations, that is, it discusses bilateral agreements, freedoms of the air and the evolution that aeropolitical relations have had since 1944.

Chapter 7 is fully dedicated to ICAO and explores its bodies, structure and functions in great detail. The degree of detail makes this textbook an essential source for who wants to familiarise somehow with the ICAO role, responsibility and centrality in international aviation. It is remarkable that Dr. *Sipos*, in this new edition, brings ICAO's activities and roles in line with the most current and topical matters, as also discussed in the latest ICAO Assembly in late 2022. Chapter 8 deals with aviation security. The need for a safe aviation industry was already highlighted by Prof. *Milde* in the first edition as although aviation "is statistically the safest means of transport but it will never be absolutely safe. It is undeniable that aviation is and will remain vulnerable". In this part, all international law instruments concerning aviation security are discussed, from the Beijing Convention 1963 to the latest ICAO Conventions on unlawful interference with aircraft, adopted following the tragic events of 11 September 2001. Chapter 9 explores issues of private aviation law and emphasises the work of ICAO in unifying private law. The Warsaw/Montreal system on air carrier liability in international air transport is examined in detail, as are all amendments and documents subsequently implemented by ICAO. The Chapter also discusses the main features of the Rome Convention on the damage caused by foreign aircraft on third parties (i.e. damage on the ground) and the aircraft financing main legal instruments (e.g. Cape Town Convention and Protocol) as the result of a joint effort by ICAO and UNIDROIT.

As already mentioned, the book ends with a useful collection of legal texts (appendices), which include the Chicago Convention, the ICAO and the Council's rules of procedure, the ICAO rules for settlement of differences, a list of aircraft nationality marks and a synthetic illustration of the freedoms of the air. This is then finalised by a bibliography, highlighting possible additional readings and documents for further analysis.

The aviation law community already knows well and demonstrated its great appreciation for *Michael Milde's* book. This review only wanted to briefly illustrate the content and structure of the book; rather, it wants to emphasise the great work of Dr. *Attila Sipos* in giving new light to "International Air Law and ICAO", adding new pieces of information, addressing new works and findings of ICAO and discussing whether modernising the Chicago Convention and, hence, ICAO's role is necessary. It should not surprise that the structure of the book remains pretty much identical, as this can be considered as a testament of *Milde's* excellent understanding of the aviation world.

I personally agree with Dr. *Sipos* approach to maintain the original spirit and structure of the book. I think, however, that the next editions should necessarily enlarge the scope of the book and should address new emerging areas and developments of international aviation law, such as drones, Urban Air Mobility, competition and environment, in a more structured manner. I believe that this new edition managed to build upon the previous ones, especially by addressing how ICAO has evolved and what ICAO will have to face in the years to come. The book remains an excellent source of international aviation law, and rightly so. The book reaches out to a very wide and variegated public, being a great reading for law students, professional, regulators and practitioners. I am pretty sure all these people – and all those who love aviation law – are glad and reassured to know that *Milde's* legacy is taken good care of.